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Attorneys for Defendant Michael Potts

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZACHARIAH JUDSON RUTLEDGE,

Plaintiff,

v.

COUNTY OF SONOMA, et al.

Defendants.

Case No. C 07-04274-CW

**DEFENDANT MICHAEL
POTTS' REQUEST FOR
JUDICIAL NOTICE IN
SUPPORT OF MOTION TO
DISMISS AND MOTION FOR
MORE DEFINITE
STATEMENT**

Date: June 12, 2008

Time: 2:00 p.m.

Courtroom: 2 (4th Floor)

Judge: Hon. Claudia Wilken

COMES NOW Defendant Michael Potts and respectfully requests that the Court take judicial notice, pursuant to Rules 201 and 302 of the Federal Rules of Evidence, of the following:

1. Exhibit A-1 & A-2 - Criminal Docket for Superior Court, County of Sonoma, Case Number MCR - 398506, *People v. Zachariah Judson Rutledge*.
2. Exhibit B - State of California Victim Compensation & Government Claims Board Documents

A court may take judicial notice of matters of public record in ruling on a Rule 12(b)(6) motion. *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001).

1 Additionally, in accordance with the Federal Rules of Evidence 301, the official record
2 from the California Government Claims Program at the Victim Compensation and Government
3 Claims Board, formerly the State Board of Control, concerning the untimely “claim” by plaintiff
4 is subject to judicial notice. State of California Courts take judicial notice of this document
5 under California Evidence Code § 452(c) regarding official acts of a legislative/executive
6 department of a state. Further, in *Chas. L. Harney v. State of California* (1963) 217 Cal.App.2d
7 77, 85-86, the California Court of Appeal ruled that the files of the Board of Control can be
8 judicially noticed for purposes of a demurrer.

9 Dated: April 7, 2008.

10 Respectfully submitted,

11 EDMUND G. BROWN JR.
12 Attorney General of the State of California

13
14 s/s John P. Devine
15 JOHN P. DEVINE
16 Deputy Attorney General

17 Attorneys for Defendant Michael Potts

18 40238039.wpd
19 SF2008400170

EXHIBIT A-1

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA swilliam Page 1
MCR-398506 CRIMINAL DOCKET Printed 9/28/2007 11:32

Docket of

DE 1 RUTLEDGE, ZACHARIAH JUDSON
DOB 01/25/1976 DLN CA A9920344

Offense Date: 10/23/1998
DA #: DAR-443724

Filed Charges

F PC 187(a) 2 Counts Held to Answer
F PC 187(a) 2 Counts Dismissed

F PC 459 Held to Answer
F PC 459 Dismissed

Arresting Agency: SONOMA COUNTY SHERIFF'S DEPT
Box Number: 113147

Agency #: SCY-98102411
DA Location: LSTMG

05/08/2002 DE 1

DECLARATION IN SUPPORT OF WARRANT OF ARREST FILED
WARRANT #5262370 SIGNED AND ISSUED IN THE AMOUNT OF \$1,000,000
COMPLAINT FILED
F PC 187(a) 2 Counts F PC 459
ADDED TO CALENDAR BY JAIL - 05/10/2002 at 8:30am M13, WARRANT IN
CUSTODYS

05/09/2002 DE 1

RECEIVED PEOPLE'S REQUEST RE: BAIL

05/10/2002 DE 1

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE
MEDIA REQUEST TO PHOTOGRAPH, RECORD OR BROADCAST FILED
PEOPLE'S REQUEST RE: BAIL FILED
PEOPLE FILE INVENTORY OF DOCUMENTS

05/10/2002 DE 1 Courtroom Minutes of Department M13

HON: Dean A. Beaupre DDA: JAMES PATRICK CASEY REP: MARIA HANNAN CLK: BW
Defendant present in custody
Counsel Steve Weiss, Public Defender, appearing
Public Defender Appointed
Defendant handed copy of complaint
Discovery provided
Warrant #5262370 Recalled
NO BAIL
People request no bail
Defendant informed of Right to Counsel
Case Referred to Probation Department for RPO
Re: Release on Own Recognizance or Bail Reduction
CONTINUED TO - 05/15/2002 at 8:30am M13, RPO/BAIL REDUCTION,
ARRAIGNMENT, PLEA

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05/15/2002 DE 1 Courtroom Minutes of Department M13

HON: C. WONG DDA: JAMES PATRICK CASEY REP: Sandra L. Carranza CLK: CM
Defendant present in custody
Counsel A. Thomas, Public Defender, appearing
NO BAIL
Bail report filed
CONTINUED TO - 06/06/2002 at 8:30am S2, PLEA, TO SET

05/23/2002 DE 1

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE FILED
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST FILED

06/06/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JCP REP: B L Peterson CLK: VL
Defendant present in custody
Counsel A Thomas, Public Defender, appearing
Defendant stipulates to due and proper arraignment
Waives reading of complaint
Defendant pleads Not Guilty to count I PC 187(a)
Defendant pleads Not Guilty to count II PC 187(a)
Defendant pleads Not Guilty to count III PC 459
Defendant Waived Time for Preliminary Hearing, including 10 day
rule
Defendant Waived Time for Preliminary Hearing, including 60 day
rule
CONTINUED TO - 07/11/2002 at 8:30am S2, TO SET

07/11/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: KATHLEEN A. KNOTTS REP: LYNN ANDERSON CLK: VL
Defendant present in custody
Counsel A Thomas, Public Defender, appearing
Defendant Waived Time for Preliminary Hearing, including 10 day
rule
Defendant Waived Time for Preliminary Hearing, including 60 day
rule
Preliminary Examination set - 11/14/2002 at 9:30am S2, PRELIMINARY
Time estimate-2-3 days

07/11/2002 DE 1

INVENTORY OF TRANSCRIPTIONS FILED WITH THE COURT

10/22/2002 DE 1

CONTINUED TO - 10/23/2002 at 8:30am S2, TO SET, COMPEL

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10/23/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JAMES PATRICK CASEY REP: LYNN ANDERSON CLK: VL
 Defendant present in custody
 Counsel A. Thomas, Public Defender, appearing
 Preliminary Examination set - 11/14/2002 at 9:30am S2, PRELIMINARY
 Time estimate for prelim: 2-3 days
 Motion to Compel Discovery Set - 10/30/2002 at 8:30am S2, MOTION,
 COMPEL, DISCOVERY

10/23/2002 DE 1

MOTION TO COMPEL DISCOVERY
 ORDER FOR TEMPORARY REMOVAL OF PRISONER DRE ALLEN BUETOW AND HIS
 PRODUCTION AS A WITNESS FILED
 DECLARATION IN SUPPORT OF ORDER FOR TEMPORARY REMOVAL OF PRISONER
 DRE ALLEN BUETOW AND HIS PRODUCTION AS A WITNESS FILED

10/28/2002 DE 1

PEOPLE'S REPLY TO DEFENDANT'S MOTION TO DISCOVERY

10/30/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JAMES PATRICK CASEY REP: LYNN ANDERSON CLK: VL
 Defendant present in custody
 Counsel A. Thomas, Public Defender, appearing
 Preliminary Examination set - 11/14/2002 at 9:30am S2, PRELIMINARY
 time estimate 2-3 days
 Motion for Discovery is discussed and ruled upon the various matters
 as placed on the record in open Court.

11/13/2002 DE 1

WITNESS LISTS FILED

11/14/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JAMES PATRICK CASEY REP: MARIA HANNAN CLK: BW
 Judge has file
 Defendant present in custody
 Counsel A. Thomas, Public Defender, appearing
 Defendant agrees to waive right to have continual prelim
 Preliminary Hearing called at 10:30 a.m.
 Cause heard at 10:30 a.m.
 Defense calls for declaration and exclusion of People's witnesses
 People call for declaration and exclusion of Defense witnesses
 Defense advises Court Tom Johnson will be present at Defense counsel
 table as Defense Investigator.
 Court excuses all witnesses from open courtroom.
 People call Sergeant Russell Davidson, Sonoma County S.O., sworn

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11/14/2002 DE 1 Courtroom Minutes of Department S2 (continued)

and testified at 10:35 a.m.

People's exhibit 1, marked for identification: large black and white map diagram

People's exhibit 2, marked for identification: very large board with 10 color photos (DA label A)

Stipulation stated on the record

People's exhibit 3, marked for identification: very large board with color photos (DA label E)

People's exhibit 4, marked for identification: very large board with color photos (DA label B)

People's exhibit 5, marked for identification: very large board with color photos (DA label F)

People's exhibit 6, marked for identification: very large board with color photos (DA label C)

People's exhibit 7, marked for identification: medium size board with 4 color photos (DA label C-A)

People's exhibit 8, marked for identification: very large board with color photos (DA label F-A)

Cross examination by defense at 11:21 a.m.

Redirect 11:33 a.m.

Witness identifies Defendant(s).

Recross examination by Mr. Thomas at 11:39 a.m.

At 11:56 a.m. Court declares noon recess.

At 1:42 p.m. Court reconvenes with all parties and defendant present Court reporter change to Susan Standish.

Witness Sgt. Russell Davidson resumes witness stand, having been previously sworn and still under oath.

People state on the record several stipulations for the purposes of this prelim hearing.

Court is adjourned at 2:10 p.m.

People's exhibit 9, marked for identification: white long bow with brown leather sheath and knife

At 2:05 p.m. Court interrupts proceedings to take a plea on another matter.

At 2:10 p.m. Court resumes this matter. All parties present.

Recross examination at 2:10 p.m. by Mr. Thomas.

Witness excused at 2:30 p.m.

People call Charles Augustine Marcum, Jr. sworn and testifies at 2:31 p.m.

Cross examination at 2:36 p.m. by Mr. Thomas.

Redirect at 3:02 p.m.

Witness excused at 3:03 p.m.

Recess: 3:03 p.m.

Reconvene: 3:20 p.m.; All Parties present

People call Deborah Ann Becker, sworn and testified at 3:21 p.m.

Witness identifies Defendant(s).

Cross examination at 3:31 p.m.

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11/14/2002 DE 1 Courtroom Minutes of Department S2 (continued)

Witness steps down at 3:53 p.m.
People call Otto Meyer, sworn and testified at 3:54 p.m.
Cross examination by defense at 4:03 p.m.
Witness steps down at 4:06 p.m.
People call William McMahon, sworn and testified at 4:06 p.m.
Witness identifies Defendant(s).
People's exhibit 10, marked for identification: white long box with rifle inside
People's exhibit 11, marked for identification: very large board with color photos (DA label D)
Cross examination by defense at 4:18 p.m.
Redirect at 4:23 p.m.
Witness steps down
People call Greg Adair, sworn and testified at 4:23 p.m.
Witness identifies Defendant(s).
Cross examination at 4:30 p.m. by defense
Witness steps down
People call Spencer Tomosvary, sworn and testified at 4:37 p.m.
Witness identifies Defendant(s).
Cross examination at 4:42 p.m.
Witness steps down
Defendant waives right for continual prelim hearing for 11/15/2002.
Preliminary Examination set - 11/15/2002 at 10:00am S2, PRELIMINARY
At 4:46 p.m. court stands adjourned.

11/15/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JAMES PATRICK CASEY REP: S STANDISH CLK: VL
Defendant present in custody
Counsel A. Thomas, Public Defender, appearing
Preliminary Examination held
At 1:33pm, Court reconvenes. Counsel present. Defendant present.
Cross examination James L. Lewis, Jr., heretofore sworn, resumes the stand and further testifies.
Witness steps down
Sergeant Russell Davidson, heretofore sworn, resumes the stand and further testifies.
Witness steps down
People call Michael L. Potts, sworn and testified.
Stipulation announced.
Cross examination
Witness steps down
People call Brad Burke, sworn and testified.
Witness steps down
People call John Douglas Yount, sworn and testified.
Stipulation announced.
Courtroom Clerk change to Brenda Wesson.

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11/15/2002 DE 1 Courtroom Minutes of Department S2 (continued)

Cross examination
Recess: 2:55pm
Reconvene: 3:08pm
People call Dre Allen Buetow, sworn and testifies at 3:09pm
Witness identifies Defendant(s).
Cross examination
Witness steps down
People recall Sgt. Russell Davidson at 3:15pm.
Witness steps down
People's exhibit(s) 1-15 moved into evidence.
No objections by defense.
People rest
Defense argues
Submitted
Defendant Held to Answer to count I PC 187(a) as charged
Enhancement to count I PC 12022.53(d) held to answer
Enhancement to count I PC 190.2(a)(3) held to answer
Enhancement to count I PC 190.2(a)(15) held to answer
Enhancement to count I PC 12022.5(b)(2) held to answer
Defendant Held to Answer to count II PC 187(a) as charged
Enhancement to count II PC 12022.53(d) held to answer
Enhancement to count II PC 190.2(a)(3) held to answer
Enhancement to count II PC 190.2(a)(15) held to answer
Enhancement to count II PC 12022.5(b)(2) held to answer
Defendant Held to Answer to count III PC 459 as charged
Enhancement to count III PC 12022.5(b)(2) held to answer
Information to be filed in Superior Court by - 11/26/2002 at 8:30am
S2, INFORMATION TO BE FILED
Bail status remains the same; \$0 - NO BAIL
All People's Exhibits withdrawn and remain with DA for safekeeping.
Transcript by: 11/24/2002
Reporter: Susan Standish

11/18/2002 DE 1

PERTINENT PAPERS DELIVERED TO COUNTY CLERK; RECEIPT FILED #SCR-32528

11/21/2002 DE 1

CRIMINAL HEARING - 11/26/2002 at 8:30am S2, INFORMATION TO BE FILED
BAIL INVESTIGATION RPT
TRANSCRIPT OF PRELIMINARY EXAMINATION FILED NOV. 15, 2002
TRANSCRIPT OF PRELIMINARY EXAMINATION FILED NOV. 14, 2002

11/25/2002 DE 1

TRANSCRIPT OF PRELIMINARY EXAMINATION FILED

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11/26/2002 DE 1 Courtroom Minutes of Department S2

HON: ELLIOT LEE DAUM DDA: JAMES PATRICK CASEY REP: R KOOP CLK: VL
Defendant present in custody
Counsel Ande Thomas, Public Defender, appearing
INFORMATION FILED
F PC 187(a) 2 Counts F PC 459
Defendant stipulates to due and proper arraignment
Defendant waives reading of information
Defendant pleads Not Guilty to count I PC 187(a)
Defendant pleads Not Guilty to count II PC 187(a)
Defendant pleads Not Guilty to count III PC 459
Enhancements/Allegations denied
Fingerprint form filed
Defendant waives time to 1-7-2003 plus 75 days
CONTINUED TO - 01/07/2003 at 8:30am S2, TO SET

12/16/2002 DE 1
ORDER

01/07/2003 DE 1 Courtroom Minutes of Department S2

HON: R.DALE DDA: JAMES PATRICK CASEY REP: B L Peterson CLK: LA
Defendant present in custody
Counsel B Kinnison obo A Thomas, Public Defender, appearing
Defendant waives time to 1-28-2003 plus 75 days
CONTINUED TO - 01/28/2003 at 8:30am S2, TO SET

01/28/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Larry J. Scoufos REP: C A Martinez CLK: LA
Defendant present in custody
Counsel A. Thomas, Public Defender, appearing
Public Defender Relieved
Counsel J David Nick appearing
Counsel appearing generally
Public Defender Fee Incurred filed.
Defendant waives time to 2/18/2003 plus 60 days
CONTINUED TO - 02/18/2003 at 8:30am S2, TO SET

02/18/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: LA
Defendant present in custody
Counsel J David Nick appearing
Defendant waives time to 4-2-2003 plus 60 days
CONTINUED TO - 04/02/2003 at 8:30am S2, TO SET

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04/02/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: LA
No file
Defendant present in custody
Counsel J David Nick appearing
People's response due 05/14/2003
Defendant waives time to 05/29/2003 plus 60 days
995 PC Motion Set - 05/29/2003 at 2:30pm S2, 995PC TO DISMISS
Time estimate for motion: 2 hours

04/25/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER REP: C A Martinez CLK: LA
no file
In camera hearing held
Confidential motion held and ruled upon
995 Motion Set - 05/29/2003 at 2:30pm S2, 995PC TO DISMISS
Confidential motion granted
Court reporter ordered transcript of in camera hearing sealed.

05/14/2003 DE 1

PEOPLE'S OPPOSITIONT O DEFENDANT'S MOTION TO DISMISS INFORMATION
PURSUANT TO PENAL CODE 995 AND CALIFORNIA COMMON LAW FILED
PROOF OF SERVICE BY MAIL

05/27/2003 DE 1

Defendant's Reply to Opposition to Motion to Dismiss Filed

05/29/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: LA
Judge has file
Defendant present in custody
Defense Counsel J David Nick appearing
At 3:05 pm motion held
Counsel Nick presents Motion to Dismiss
Defendant waives time to 06/19/2003 plus 60 days
Further 995 Motion Set - 06/19/2003 at 2:30pm S2, 995PC TO DISMISS

06/19/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: MB
DA: C Cook
Defendant present in custody
Defense Counsel J David Nick appearing
Defendant waives time to 07/17/2003 plus 60 days
Exhibits withdrawn

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06/19/2003 DE 1 Courtroom Minutes of Department S2 (continued)

Discovery motion to be filed by 07/07/2003

995 PC Motion Held

995 PC Motion Denied

Discovery Motion Set - 07/17/2003 at 2:30pm S2, DISCOVERY MOTION

07/07/2003 DE 1

NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY FILED

07/17/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Christine M Cook REP: E POPOVICH CLK: LA
Defendant present in custody

Defense Counsel J David Nick appearing

Stipulation between counsel Nick and Assistant DA G Jacobs re:
transfer of custody of case evidence filed.

Defendant waives time to 07/31/2003 plus 60 days

Hearing Held

Time estimate 8-12 weeks

CONTINUED TO - 07/31/2003 at 2:30pm S2, FURTHER PROCEEDINGS

07/31/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Christine M Cook REP: R KOOP CLK: LA
No File

Defendant present in custody

Defense Counsel J. Nick not present M. Linscheid specially
appearing

Amended stip between Attorney Nick and Ada Greg Jacobs re: Transfer
of custody case evid.

Defendant waives time to 01-19-2004 plus 60 days

Pretrial Confirmation Set - 01/09/2004 at 8:30am S2, PRETRIAL

CONFIRMATION

CONTINUED TO - 09/25/2003 at 2:30pm S2, COMPLIANCE

08/13/2003 DE 1

CONTINUED TO - 08/14/2003 at 2:30pm S2, FURTHER PROCEEDINGS, AT
JUDGE'S REQUEST

08/14/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: TROYE K. SHAFFER REP: C A Martinez CLK: LA
Defendant present in custody

Defense Counsel J David Nick not present, E Vizzi appearing

Mr. Jackson present and addresses the Court

Jury Trial Set - 01/20/2004 at 9:30am S2, JURY TRIAL

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

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08/14/2003 DE 1 Courtroom Minutes of Department S2 (continued)

Pretrial Confirmation Set - 01/09/2004 at 8:30am S2, PRETRIAL

CONFIRMATION

CONTINUED TO - 08/21/2003 at 2:30pm S2, FURTHER PROCEEDINGS

08/21/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
Defendant present in custody

Defense Counsel J. Nick not present, Counsel M Linscheid, specially
CONTINUED TO - 09/25/2003 at 2:30pm S2, COMPLIANCE

Jury Trial Set - 01/20/2004 at 9:30am S2, JURY TRIAL

Pretrial Confirmation Set - 01/09/2004 at 8:30am S2, PRETRIAL
CONFIRMATION

09/25/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
Judge has file

Defendant present in custody

Defense Counsel J David Nick appearing

Jury Trial Set - 01/20/2004 at 9:30am S2, JURY TRIAL

Pretrial Confirmation Set - 01/09/2004 at 8:30am S2, PRETRIAL
CONFIRMATION

11/13/2003 DE 1

STIPULATION BETW ATTY J. DAVID NICK & ASST D.A. GREGORY JAC

OBS RE: TRANSFER OF CUSTODY OF CASE EVIDENCE FILED

11/20/2003 DE 1

NOTICE OF MOTION AND MOTION TO DISMISS INFORMATION FOR FAILURE OF
THE PROSECUTION TO DIVULGE MATERIAL EXCULPATORY EVIDENCE PRIOR
TO THE PRELIMINARY EXAMINATION FILED

CONTINUED TO - 12/11/2003 at 2:30pm S2, MOTION, CONTINUE

TABLE OF EXHIBITS IN SUPPORT OF DEFENDANTS MOTION TO DISMISS
INFORMATION FOR FAILURE OF THE PROSECUTION TO DIVULGE MATERIAL
EXCULPATORY EVIDENCE PRIOR TO THE PRELIMINARY EXAMINATION FILED
DECLARATION OF MICHAEL LINSCHIED IN SUPPORT OF DEFENDANTS MOTION TO
DISMISS INFORMATION FOR FAILURE OF THE PROSECUTION TO DIVULGE
MATERIAL EXCULPATORY EVIDENCE PRIOR TO THE PRELIMINARY EXAMINATION
FILED

11/24/2003 DE 1

NOTICE OF MOTION AND MOTION COMPEL DISCOVERY FILED

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12/05/2003 DE 1

PEOPLES OPPOSITION TO DEFENDANTS MOTION TO DISMISS INFORMATION FOR
FAILURE TO DIVULGE EXCULPATORY EVIDENCE PRIOR TO THE PRELIMINARY
EXAMINATION FILED
PEOPLES OPPOSITION TO DEFENDANTS MOTION TO COMPEL DISCOVERY FILED
REQUEST FOR INFORMAL DISCOVERY FILED

12/09/2003 DE 1

Defendant's Reply to People's Opposition to Def's Motion to
Dismiss Information Filed

12/11/2003 DE 1

Memo of Ps and As in Support of Certificate of Materiality
for Transfer of Federal Inmate Brady Lee Gatewood Filed

12/11/2003 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: KLK
No file; Judge has file
Defendant present in custody
Defense Counsel J David Nick appearing
Case heard 2:40 p.m.
Motion to compel discovery addressed
Defense files supplemental memorandum of points and authorities in
support of defendant's motion to dismiss for failure of prosecutor
to divulge material exculpatory evidence prior to preliminary
hearing
Defense argues
Recess: 3:36 p.m.
Reconvene: 3:55 p.m.; All Parties present
People respond
Recess: 4:04 p.m.
Reconvene: 4:10 p.m.; All Parties present
Defense files memorandum of points and authorities in support of
materiality for transfer of federal inmate Brady Gatewood from FCI
Sheridan to Sonoma County for testifying at trial
CONTINUED TO - 12/22/2003 at 11:00am S2, RULING, DISCOVERY
COMPLIANCE

12/11/2003 DE 1

Defendant's Supplemental Ps and As in Support of Motion to
Dismiss Information Filed

12/19/2003 DE 1

DROPPED FROM CALENDAR - 12/22/2003 at 11:00am S2

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12/24/2003 DE 1

Certificate of Materiality for The Transfer of Federal Inmate Brady Lee Gatewood Filed

01/06/2004 DE 1

NOTICE OF PEOPLES MOTION TO CONTINUE FILED
POINTS AND AUTHORITIES IN SUPPORT OF PEOPLES MOTION TO CONTINUE
FILED
DECLARATION IN SUPPORT OF PEOPLES MOTION TO CONTINUE FILED

01/07/2004 DE 1

SUPPLEMENTAL DECLARATION IN SUPPORT OF PEOPLES MOTION TO CONTINUE
FILED

01/09/2004 DE 1 Courtroom Minutes of Department S2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: LA
DA: C. Cook
Judge has the file
Defendant present in custody
Defense Counsel J David Nick appearing
Reported in chambers side bar hed, defendant waives his app for said
hearing
Court finds good cause for cont.
Jury Trial Set - 02/26/2004 at 9:30am S2, JURY TRIAL
Pretrial Confirmation Set - 02/13/2004 at 8:30am S2, PRETRIAL
CONFIRMATION
Vacated - 01/20/2004 at 9:30am S2
995 PC Motion Granted
995 PC Motion Denied
1050 PC Motion Granted
People's 1050 PC Motion Denied

02/10/2004 DE 1

CONTINUED TO - 02/23/2004 at 8:30am 2, TO SET, TO QUASH, AT
ATTORNEY'S REQUEST

02/13/2004 DE 1 Courtroom Minutes of Department 2

HON: R.DALE DDA: Greg J. Jacobs REP: A MERTLE CLK: KKK
Defendant present in custody
Defense Counsel J David Nick appearing
Court orders Counsel not to take other trials.
Pretrial Conference Held
Readiness Conference Set - 02/20/2004 at 10:00am 2, READINESS
CONFERENCE
DROPPED FROM CALENDAR - 02/23/2004 at 8:30am 2

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

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02/20/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C J Hamilton CLK: LA
Judge has file
DA: /G. Jacobs
Court orders DA not accept any other trials pending this matter
Defendant present in custody
Defense Counsel J David Nick appearing
Def. waives uninterrupted jury, specifically 3-15-2004 - 3-19-2004
Defendant waives time to 4-1-2004
Jury Trial Set - 03/08/2004 at 9:30am 2, JURY TRIAL
Readiness Conference Held
Vacated - 02/26/2004 at 9:30am 2

02/23/2004 DE 1

CONTINUED TO - 02/23/2004 at 8:30am 2, FURTHER PROCEEDINGS

02/23/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: TROYE K. SHAFFER REP: C J Hamilton CLK: LA
Defendant present in custody
Defense Counsel J. Nick appearing
P. Gallagher present, addresses the Court
matter DROPPED from calendar
CONTINUED TO - 03/08/2004 at 9:30am 2, JURY TRIAL

03/02/2004 DE 1

Media Request and Order Thereon Filed

03/08/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: PJS
Jury Trial 1st DAY
DA also Greg Jacobs
Defendant present in custody
Defense Counsel J. David Nick appearing
People's Proposed Witness List filed
People's Trial Brief filed
The following motions are filed by Mr. Nick:
Notice of Motion & Motion In Limine to Exclude Scientific Evidence
To Wit: Paint Identification & Random Match Probability Evidence
& Demand for "Kelly-Frye" Hearing
Notice of Motion & Motion To Dismiss Information In Light Of
Recently Discovered Misrepresentations Made By Senior Criminalist
Michael Potts Of The California Department of Justice At The
Preliminary Examination
Defendant's Motion In Limine To Dismiss Because Of Denial Of Right
To Due Process Under The Constitutions Of The United States &

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03/08/2004 DE 1 Courtroom Minutes of Department 2 (continued)

California Based Upon Preaccusation Delay

Defendant's Motion In Limine To Exclude Any Mention Of Any Alleged Fight Between Defendant And Victim Jason Blore As A Motive For Either Of The Murders In The Present Case

Defendant's Motion In Limine To Exclude Admission Of A Symbol That Was Carved Above A Door In A Cabin Owned By Defendant's Parents Pursuant To Evidence Code 403 & 352

Defendant's Motion In Limine To Exclude Statements Made By Defendant At Santa Rosa Junior College, In The Police Vehicle, Or At The Sonoma County Sheriff's Department After Having Been Subjected To A Custodial Interrogation & After Having Invoked His Right To Counsel Defendant's Motion In Limine To Exclude Any Reference To A

Polygraph Examination

Defendant's Motion In Limine To Exclude Any Reference To A

March 29, 2002, Annoying Phone Call Placed By Defendant To Occidental Leather Pursuant To Evidence Code 1101(b) & Evidence Code 352

Defendant's Motion In Limine To Exclude Circumstances Surrounding An April 3, 2002 Incident Pursuant To Evidence Code 1101(b)

Defendant's Motion In Limine To Exclude Admission Of Defendant's Prior Bad Acts Pursuant To Evidence Code 1101(b)

Defendant's Motion In Limine To Instruct The Prosecution To Advise All Witnesses Of The Orders Of The Court Following In Limine Motions

Defendant's Motion In Limine To Exclude Statements Made By Defendant To Any In-Custody Informant As Such Statements Were Obtained From Defendant In Violation Of His Sixth Amendment Right To Counsel

Defendant's Motion In Limine For An Order Sealing Defendant's Mental Health Records, And For An Order Excluding The Prosecution From Arguing Or Eliciting Testimony Concerning Defendant's Mental Health As Set Forth In His Mental Health Records

Defendant's Motion In Limine To Exclude The Knife Found At The Crime Scene

Defendant's Motion In Limine To Exclude The Prosecution From Referencing The Weapon As An "Assault" Rifle

Defendant's Motion In Limine To Exclude Any Writings By Defendant Or Any Reference Thereto

Defendant's Motion In Limine To Exclude Any Mention Of Defendant's Homosexuality, The Homosexuality Of The Victims, Or Defendant's Alleged Hatred Of Homosexuals As A Motive For Either Of The Murders In The Present Case

Defendant's Motion In Limine To Exclude Conviction & Circumstances Surrounding Defendant's Prior Arrest For Possession Of Sawed Off Shotgun Pursuant To Evidence Code 1101(b)

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03/08/2004 DE 1 Courtroom Minutes of Department 2 (continued)
Defendant's Motion In Limine to Exclude Photographs & Videotapes Of
Victims Pursuant To Penal Code 352
Jury Trial Set - 03/10/2004 at 1:30pm 2, JURY TRIAL, CONTINUE

03/10/2004 DE 1
DROPPED FROM CALENDAR PER JUDGE BALLINGER - 03/10/2004 at 1:30pm 2
CONTINUED TO - 03/12/2004 at 1:30pm 2, MOTION IN LIMINE, AT JUDGE'S
REQUEST

03/12/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 2nd DAY
District Attoreny Greg Jacobs also present
Defendant present in custody
Defense Counsel J. Nick appearing
Court orders mental health records not be released to anyone pending
further Court order
People's exhibit 1, marked for identification: copy of release
signed by defendant
People's exhibit 2, marked for identification: copy of letter
Specialist P. Dietz MD is not to discuss records with anyone
CONTINUED TO - 03/26/2004 at 1:30pm 2, MOTION

03/18/2004 DE 1
APP & AFFIDAVIT FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM RE
WITNESS IN FEDERAL CUSTODY: BRADY GATEWOOD FILE
WRIT OF HABEAS CORPUS AD TESTIFICANDUM RE WITNESS IN FEDERAL
CUSTODY: BRADY GATEWOOD FILED
CERTIFICATE OF COURT CLERK FILED

03/23/2004 DE 1
PEOPLES RESPONSE TO DEFENDANTS NOTICE OF MOTION AND MOTION IN
LIMINE TO EXCLUDE SCIENTIFIC EVIDENCE TO WIT: PAINT IDENTIFICATION
AND
RANDOM MATCH PROBABILITY EVIDENCE AND DEMAND FOR "KELLY" HEARING
FILED
People's Opposition to Defendant's Motion in Limine to Excl
ude Defendant's Statements Made to Police Filed
People's Supplemental Attachment to Previously Filed Trial
Brief: People's Offer of Proof By Park Dietz, MD, PhD Filed
People's Opposition to Defendant's Motion in Limine to
Exclude Symbol in Defendant's Home Filed
People's Opposition to Defendant's Motion to Dismiss Info.
for Failure to Divulge Exculpatory Evidence Filed
People's Partial Non-Opposition to Defendant's Motion
Re: Mental Health Records Filed

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03/23/2004 DE 1 (continued)

People's Opposition to Defendant's Motion in Limine To
Dismiss for Preaccusation Delay Filed
People's Opposition to Defendant's Motion in Limine to
Exclude the Knife Found at the Crime Scene Filed
People's Opposition to Defendant's Motion in Limine to Excl
ude any Mention of Defendant's Homosexuality, etc. Filed
People's Opposition to Defendant's Motion in Limine to
Exclude Photographs and Videotapes of Victims Filed
People's Response to Defendant's Motion in Limine to Exclud
e Admission of Defendant's Prior Bad Acts Filed
People's Opposition to Defendant's Motion in Limine to Excl
ude Mention of Alleged Fight Bet. Def and Jason Blore Filed

03/25/2004 DE 1

DROPPED FROM CALENDAR - 03/26/2004 at 1:30pm 2
CONTINUED TO - 04/02/2004 at 10:00am 2, MOTION
SUBPOENAED RECDS FR SO CO MADF REC'D IN CABINET

03/29/2004 DE 1

Defendant's Resp to People's Trial Brief re: Objec to Admis
of Prior Shotgun Possession Conviction etc. Filed
Defendant's Response to People's Trial Brief re: Defense
Opposition to Use of Psychiatric Profile Evidence etc Filed

04/02/2004 DE 1

Defense Response to DA's Trial Brief re: Defendant's Opp to
Intro of Evidence to Prove Motive of Defendant FILED

04/02/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 3rd DAY
District Attorney Greg Jacobs also present
Defendant present in custody
Defense Counsel J. Nick appearing
Motion to Dismiss for Pre Arrest Delay is argued
Defendant waives his right to be present at crime scene
Defendant waives his right to Court Reporter at crime scene
Court's prior order re: mental health records remains in effect
CONTINUED TO - 04/06/2004 at 10:00am 2, JURY TRIAL
Reconvene: At 4:37 p.m. Court is adjourned; All Parties present
CONTINUED TO - 04/05/2004 at 10:00am 2, JURY TRIAL

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04/05/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 4th DAY
District Attorney Greg Jacobs also present
Defendant present in custody
Defense Counsel J. David Nick appearing
Deputy District Attorney Christine Cook also appearing for People
402 hearing held RE: Preaccusation Delay
Further Points on Preaccusation Delay filed
People call Detective Russell L. Davidson, sworn and testified.
Witness steps down
402 Hearing convened re; Mental Health Records
Defendant waives any confidentiality issues relating to Mental
Health reports
Defense calls Deputy Public Defender Ande Thomas, sworn and
testified
Defendant waives any irregularities re: Court exhibit 1a and 2a
People's exhibit #1A, marked for identification: COPY Of
Defendant's waiver re: mental health records
People's exhibit 2a, marked for identification: copy of letter
from Public Defender to District Attorney
Witness steps down
Witness ordered to appear on 4/7/04 at 10:00 Dept. 2 if his files
indicate any new information
Recess: 11:36 a.m. for regularly scheduled noon break
Reconvene: 1:44 p.m.; All Parties present
Court reporter Susan Standish replaces Court Reporter C. Martinez
Detective Russell Davidson retakes the stand and further testifies
Court's exhibit(s) 3, marked for identification: copy of yellow
pages from phone book for 1999
Recess: 3:12 P.M.
Reconvene: 3:31 P.M.; All Parties present
At 4:47 p.m. Court is adjourned
CONTINUED TO - 04/06/2004 at 10:00am 2, JURY TRIAL
People's Brief Concerning Motive Evidence filed

04/06/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: R L Whitney CLK: LA
JURY TRIAL 5th DAY
District Attorney Greg Jacobs also present
Defendant present in custody
Defense Counsel J. David Nick appearing
At 10:28 a.m. Court convenes.
Defense calls Detective Russell Davidson, previously sworn, retakes
the stand and further testifies.
Cross examination

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04/06/2004 DE 1 Courtroom Minutes of Department 2 (continued)

Court's exhibit 4, marked for identification: 17 page document including copy of arrest warrant

Redirect

Witness excused

Defense call Detective Bradford Burke, sworn and testified.

Defense Supplemental Memo Of Points And Authorities In Support Of Motion In Limine To Dismiss Due To Denial Of Right To Due Process Under Constitution Of United State Of America Based Upon Preaccusation Delay filed

At 11:54 a.m. Court declares regularly scheduled break

Reconvene: 2:25 p.m.; All Parties present

Detective Bradford Burke retakes the stand and further testifies

Cross examination

Redirect

Witness excused, subject to recall

At 3:25 p.m. Court declared brief break

Reconvene: 3:40 p.m.; All Parties present

Defense calls Chris Reynolds, sworn and testified

Cross examination

CONTINUED TO - 04/07/2004 at 10:00am 2, JURY TRIAL

Witness steps down

At 5:05 p.m. Court is adjourned

04/07/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Craig T Brooks REP: C A Martinez CLK: LA

JURY TRIAL 6th DAY

Defendant present in custody

Deputy District Attorney Christine Cook also appearing

Defense Counsel J. David Nick appearing

At 10:34 a.m. Court convenes, All parties are present.

Detective Russell retakes the stand and further testifies.

Cross examination

Witness steps down

Counsel stipulate the Mr. Nick first appeared on this case on 1/23/04

Counsel stipulate that DAR number was assigned on 4/29/02

Defense calls Martin Marovich, sworn and testified

Cross examination

Witness steps down

Defense calls Richard Marovich, sworn and testified

Cross examination

Redirect

Recross

Witness excused

At 11:25 a.m. Court declares regularly scheduled noon break

Reconvene: 1:36 p.m.; All Parties present

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04/07/2004 DE 1 Courtroom Minutes of Department 2 (continued)

People call Detective Russell Davidson, sworn and testified on behalf of the People
Cross examination
Witness steps down
People call Phil Abrams Deputy District Attorney, sworn and testified on behalf of the People
Cross examination
Witness steps down
People call Larry Scoful, Deputy District Attorney, sworn and testified on behalf of the People
People's exhibit 5, marked for identification: copy of desk top calendar
At 3:13 p.m. Court declares a brief recess
At 3:35 p.m. Court reconvenes, all parties are present
People call James Casey Deputy District Attorney, sworn and testified on behalf of the People
Cross examination
CONTINUED TO - 04/12/2004 at 10:00am 2, JURY TRIAL
Witness steps down
At 4:32 p.m. Court is adjourned

04/12/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 7th DAY
District Attorney Grege Jacobs also present
Defendant present in custody
Defense Counsel J. David Nick appearing
Legal discussions are held re: Dismissal
At 11:25 a.m. Court is adjourned.
CONTINUED TO - 04/13/2004 at 10:00am 2, JURY TRIAL

04/13/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 8th Day
District Attorney Greg Jacobs also present
Defendant present in custody
Defense Counsel J. D.Nick appearing
Counsel Christine Cook also present
At 11:05 a.m. Court convenes
Legal discussions held re: Cont. 995 Motion
CONTINUED TO - 04/14/2004 at 10:30am 2, JURY TRIAL
Defendant and Counsel Nick waive their presence during Court viewing evidence presented at Preliminary Exam

EXHIBIT A-2

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04/14/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 9th DAY

District Attorney Greg Jacobs also present

Defendant present in custody

Defense Counsel J. D. Nick appearing

Deputy District Attorney C. Cook present

At 10:38 a.m. Court convenes

Counsel J. Nick addresses the Court

Court makes the following RULING:

995 Motion is DENIED over objection of Defense

Court GRANTS Motion For Return Of Mental Health Records

Court orders that District Attorney return to Counsel Nick all

Mental Health records. Court further orders that the Distict Attny

Sign a Statement Under Penalty Of Perjury that all original mental health records and all copies have been returned to defense Counsel

At 10:57 a.m. Court declares a brief break

At 11:39 a.m. Court reconvenes - All parties are present

Court will allow blood splatter analysis video

At 11:42 a.m. Court declares regularly scheduled lunch break

Court's exhibit(s) 6, marked for identification: 16X20 photo of Mr. Blore's head

Court's exhibit(s) 7, marked for identification: 16X20" photo of Mr. Blore's right chest

Court's exhibit(s) 8, marked for identification: 16X20" photo of Mr. Blore's chest close up

Court's exhibit(s) 9, marked for identification: 16X20" photo of livingroom

Court's exhibit(s) 10, marked for identification: 16X20" photo of wall above Mr. Blore

Court's exhibit(s) 11, marked for identification: 16X20" photo of Mr. Grahlmann

Court's exhibit(s) 12, marked for identification: 16X20" photo of Mr. Grahlmann with evidence tag

Court's exhibit(s) 13, marked for identification: 16X20" photo of Mr. Grahlmann from behind

Court's exhibit(s) 14, marked for identification: 16X20" photo of Mr. Grhalmann's from a distance

Court's exhibit(s) 15, marked for identification: 16X20" photo of Mr. Grahlmann from behind/side

Court's exhibit(s) 16, marked for identification: 16X20" photo of Mr. Grahlmann's head outside

Court's exhibit(s) 17, marked for identification: 16X20" photo of Mr. Grahlmann's hands bagged

Court's exhibit(s) 18, marked for identification: 16X20" photo of Mr. Blore's arm

Court's exhibit(s) 19, marked for identification: 3X5" photo of

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04/14/2004 DE 1 Courtroom Minutes of Department 2 (continued)

Mr. Blore's autopsy chest/arm

Court's exhibit(s) 20: 3X5" photo of Mr. Grahlmann's autopsy head, marked for identification:

Court's exhibit(s) 21, marked for identification: 3X5" photo of Mr. Blore's torso with shirt

Court's exhibit(s) 22, marked for identification: 16X20" photo of Mr. Grahlmann's autopsy

Court's exhibit(s) 23, marked for identification: 16X20" photo of Mr. Grahlmann's ear

Court's exhibit(s) 24, marked for identification: 16X20" photo of Mr. Blore's arm

Court's exhibit(s) 25, marked for identification: 16X20" photo of Mr. Blore alive

Court's exhibit(s) 26, marked for identification: 16X20" photo of Mr. Blore alive

Court's exhibit(s) 27, marked for identification: 16x20" photo of Mr. Grahlmann alive

Court's exhibit(s) 28, marked for identification: 16X20" photo of Mr. Blore behind computer

Court's exhibit(s) 29, marked for identification: 16X20" photo of Mr. Blore behind computer from his feet

Court's exhibit(s) 30, marked for identification: 16x20" photo of telephone

Court's exhibit(s) 31, marked for identification: 3X5" photo of Mr. Grahlmann's head/ear

Court's exhibit(s) 32, marked for identification: 3X5" photo of Mr. Grahlmann's head/chin

Court's exhibit(s) 33, marked for identification: 3x5" photo of Mr. Blore with telephone

Reconvene: 1:40 p.m.; All Parties present

Testimony resumes re: Preaccusation Delay

Defense calls Thomas Lynch, sworn and testified

Cross examination

Witness excused

Court's exhibit(s) 34, marked for identification: 1 page copy of telephone records

People's exhibit #34 received into evidence.

Defense calls Otto G. Meyer, sworn and testified

Side bar conference is held

Cross examination

Redirect

Witness excused

Counsel stipulate to custody status and location of Dre Buetow from 3/1/00 to 8/31/00.

Counsel stipulate Mr. Buetow arrived on 2/28/00 from Nebraska on a on No Bail warrant

Defense exhibit(s) #35, marked for identification: yellow and

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04/14/2004 DE 1 Courtroom Minutes of Department 2 (continued)

white pages from phone book of 9/17/99

At 2:27 p.m. Court declares a brief break

Reconvene: 2:37; All Parties present

Counsel stipulate that Court's exhibits #7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 33 may be introduced into evidence

At 3:27 p.m. Court declares a brief break

Reconvene: 3:51 p.m.; All Parties present

Courts exhibit(s) 36, marked for identification: 3X4" photo of Mr. Blore behind computer

Courts exhibit #29 is withdrawn

People call Detective Russell Davidson, sworn and testified.

Cross examination

CONTINUED TO - 04/16/2004 at 10:00am 2, JURY TRIAL

At 4:38 Court is adjourned for the day.

04/16/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 10th DAY

Defendant present in custody

Defense Counsel J. David Nick appearing

At 10:42 a.m. Court convenes

District Attorney Greg Jacobs also present.

The Court makes the following RULING:

Court denies the People using Court's exhibit #25

Court's exhibit #26 will be modified, picture will be cropped

Court's exhibit #27 will be modified, picture will be cropped

Court's exhibit #36 will be used in lieu of Court's exhibit #29

People call Detective Russell Davidson, sworn and testified.

Court's exhibit #37, marked for identification: VHS tape case

Court's exhibit #37A, marked for identification: VHS tape

Court's exhibit #37b, marked for identification: transcript of taped interview #37A

Court's exhibit #38, marked for identification: 1 page

transcript of taped interview

Court's exhibit(s) #37, #37A, #37B, #38 received into evidence.

Cross examination

Redirect

Witness is excused

CONTINUED TO - 04/19/2004 at 9:30am 2, JURY TRIAL

At 11:35 a.m. Court is adjourned

04/19/2004 DE 1

CONTINUED TO - 04/19/2004 at 10:00am 2, JURY TRIAL

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04/19/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 11th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 10:25 a.m. Court convenes.
Side bar conference is held
Defense argues
People respond
At 11:44 a.m. Court declares regularly scheduled noon break
Reconvene: 1:53 p.m.; All Parties present
402 Hearing re: Preaccusation Delay cont.
Defense calls Sgt. Bradford Burke, sworn and testified
Cross examination
Redirect
Witness steps down
People argue
At 3:02 p.m. Court declares a brief recess
Reconvene: 3:17 p.m.; All Parties present
People's argument cont.
At 4:07 p.m. Court declares a brief recess
Reconvene: 3:24 p.m. All parties present
Defense responds
At 4:39 p.m. Court goes off the bench briefly
CONTINUED TO - 09/20/2004 at 10:00am 2, JURY TRIAL
At 4:42 p.m. Court is adjourned
DROPPED FROM CALENDAR - 09/20/2004 at 10:00am 2
CONTINUED TO - 04/20/2004 at 10:00am 2, JURY TRIAL

04/20/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: CDC REP: C A Martinez CLK: LA
JURY TRIAL 12th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 11:03 a.m. Court convenes
Counsel J. David Nick argues Discovery Issue
At 12:00 p.m. Court declares regularly scheduled noon recess
Reconvene: 1:38 p.m.; All Parties present
Counsel Greg Jacobs responds
Court orders all members of the District Attorney and Sheriff's
Department who worked on this case to meet prior to Friday
Defense calls Detective Russell Davidson, sworn and testified.
Cross examination
Counsel argues Preaccusatory Delay

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04/20/2004 DE 1 Courtroom Minutes of Department 2 (continued)

At 2:55 p.m. Court declares a brief break
Reconvene: 3:25 p.m.; All Parties present
CONTINUED TO - 04/21/2004 at 10:00am 2, JURY TRIAL
Court adjourns at 4:03 p.m.

04/21/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 13th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 10:35 a.m. Court convenes
Court's exhibit(s) #39, marked for identification: 18 page
document
Counsel Cook addresses the Court
Court's exhibit(s) #40, marked for identification: summary of
powerpoint
Counsel Jacobs addresses the Court
Defense responds
At 11:58 a.m. Court declares regularly scheduled noon recess
Reconvene: 1:37 p.m.; All Parties present
Court makes the following RULING: there will be no reference to
"assault rifle".
Counsel argue Motion to exclude knife
Counsel Nick responds
At 3:05 p.m. Court declares a brief recess
Reconvene: 3:20 p.m. All parties are present
Counsel Nick continues response
Counsel Cook responds
CONTINUED TO - 04/26/2004 at 10:00am 2, JURY TRIAL

04/23/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Brian Staebell REP: C A Martinez CLK: LA
IN CHAMBERS
Defendant not present in custody
Defense Counsel J. David Nick not present
DROPPED FROM CALENDAR - 04/26/2004 at 10:00am 2
CONTINUED TO - 04/27/2004 at 10:00am 2, JURY TRIAL

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04/27/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook CLK: LA
Defendant not present
Defense Counsel J. David Nick, not present
CONTINUED TO - 04/28/2004 at 10:00am 2, JURY TRIAL

04/28/2004 DE 1
DROPPED FROM CALENDAR - 04/19/2004 at 9:30am 2

04/28/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 14th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 1:41 p.m. Court convenes
Argument continues re: Third Party Culpability
At 2:18 p.m. Court declares a break
Reconvene: 3:48 p.m.; All Parties present
Court makes the following RULING:
As to Voluntariness Motion To Suppress is DENIED, defendant was
not in custody at the time
As to Pre-accusatory Delay Motion DENIED
CONTINUED TO - 04/30/2004 at 9:30am 2, JURY TRIAL
At 4:14 p.m. Court is adjourned

04/30/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 15th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
Motions In Limine continue to be argued
Counsel Jacobs argues
Court's exhibit #41, marked for identification: search warrant
affadavit for Wheeler
Court's exhibit #42, marked for identification: police report
Counsel Nick responds
CONTINUED TO - 05/03/2004 at 1:30pm 2, JURY TRIAL
At 12:06 p.m. Court is adjourned

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05/03/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 16th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 1:56 p.m. Court convenes
People's Motions In Limine continue
At 2:42 p.m. Court declares a brief break
At 2:47 p.m Court reconvenes All parties are present
Counsel Nick responds
People's exhibit #43, marked for identification: 16 page
affidavit of Detective Davidson
At 3:25 p.m. Court declares a brief break
At 4:02 p.m. Court reconvenes - All parties are present
Court reserves Ruling
Court RULES that Counsel Nick is not required to turn over interview
of witness
Court's exhibits #6 through #33 to remain with DA for safekeeping
CONTINUED TO - 05/05/2004 at 10:00am 2, JURY TRIAL
At 4:38 p.m. Court is adjourned

05/04/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Greg J. Jacobs CLK: LA
Judge has file
Defendant not present in custody
Defense Counsel J David Nick not present
Vacated - 05/05/2004 at 10:00am 2
CONTINUED TO - 05/10/2004 at 9:30am 2, JURY TRIAL, CONTINUED

05/04/2004 DE 1

DEFENDANT'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT'S IN LIMINE MOTION TO EXCLUDE STATEMENTS PUR US V.
CRAWFORD FIL

05/07/2004 DE 1

Defendants Motion in Limine for Order for Sanctions for
Prosecution's Discovery Violations FILED

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05/10/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: P Schrader CLK: LA
JURY TRIAL 17th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 11:02 a.m. Court convenes.
Motions In Limine continue re: Writings and Third party Culpability
Counsel Nick addresses the Court
At 11:36 a.m. Court declares regularly scheduled noon break
At 1:39 p.m. Court reconvenes - All parties are present
Counsel Jacobs responds
At 2:26 Court declares a brief break
Counsel Cook responds
At 2:35 p.m. Court reconvenes. All parties are present
At 2:56 p.m. Court declares a brief break
At 3:24 p.m. Court reconvenes - All parties are present
Counsel Cook continues response
At 5:02 p.m. Court is adjourned
CONTINUED TO - 05/11/2004 at 1:30pm 2, JURY TRIAL

05/11/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: S STANDISH CLK: LA
JURY TRIAL 18th DAY
Defendant present in custody
Defense Counsel J. David Nick appearing
District Attorney Greg Jacobs also present
At 1:50 p.m. Court convenes
Counsel Cook reopens People's argument to Motion
At 2:15 p.m. Court declares a brief recess
At 2:35 p.m. Court reconvenes - All parties are present
Counsel Jacobs addresses the Court
Counsel Nick responds
At 3:17 p.m. Court declares a brief recess
At 3:33 p.m. Court reconvenes - All parties are present
Defendant's memorandum Of Points And Authorities In Support Of Defendant's Motion To Inspect And Copy Calaveras County Probation Report And Records Of Prosecution Witness Tyson McLain Pursuant To Penal Code 1203.05 And Government Code 6250
At 3:54 p.m. Court is adjourned
CONTINUED TO - 05/14/2004 at 10:00am 2, JURY TRIAL

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 28

05/14/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: GREGORY JACOBS REP: KAREN THOMPSON CLK: IR
***** Jury Trial Motions - 19th day*****
Defendant present in custody
Defense Counsel J. David Nick appearing
Motions heard and held on the record
Jury Trial Set - 05/17/2004 at 10:00am 2, JURY TRIAL, CONTINUED,
MOTION

05/17/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Greg J. Jacobs REP: C A Martinez CLK: PJS
Defendant present in custody
Defense Counsel J. David Nick appearing
JURY TRIAL - MOTIONS - 20TH DAY
At 10:47am, the Court convenes.
Mental health records of Mr. Rutledge are handed to Mr. Nick by
Mr. Jacobs
Declaration by Gregory J. Jacobs re: Mental Health Records filed
Mr. Nick argues to the Court re: sanctions for discovery violations
Mr. Reynolds is sworn and testifies on behalf of the defendant.
No cross examination
Court's exhibit # 44 is marked for identification: copy of one
page document
People's opposition to defendant's motion in limine for sanctions
for discovery violations filed
Court's exhibit #45 is marked for identification: copy of one
page document
Court's exhibit #46 is marked for identification: copy of part of
Detective Davidson's report
Court's exhibit #47 is marked for identification: copies of
America's Most Wanted tip sheets
Court's exhibit #48 is marked for identification: copy of letter
from Brad Burke
At 12 noon, the Court declares a recess
At 1:40pm, the Court reconvenes, All parties present
Argument by Mr. Nick continues
Court's exhibit #49 is marked for identification: investigation
report from Tom Johnson to Ande Thomas
Court's exhibit #50 is marked for identification: copy of e-mail
from Tom Johnson to Brad Burke, dated 11-8-02
Court's exhibit #51 is marked for identification: page 13 of 26 -
narrative report prepared by Detective Davidson
Ande Thomas is sworn and testifies on behalf of the defense.
Cross examination
Court questions the witness
Recess: 2:45pm

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 29

05/17/2004 DE 1 Courtroom Minutes of Department 2 (continued)

Reconvene: 3:10pm; All Parties present

Mr. Thomas, heretofore sworn, resumes the stand

Redirect

Recross

Witness steps down

Court's exhibit #52 is marked for identification: copy of page 43
of 43 - audio tape transcript

Court's exhibit #53 is marked for identification: copy of video
tape transcript

Court's exhibit #54 is marked for identification: copy of e-mail
from Jim Casey to Ande Thomas dated 10-10-02

Court's exhibit #55 is marked for identification: copy of e-mail
from Jim Casey to Ande Thomas dated 10-9-02

Mr. Jacobs addresses the Court

Jury Trial Set - 05/19/2004 at 10:00am 2, JURY TRIAL, CONTINUE

05/19/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: F SANDERS CLK: LA
JURY TRIAL 21st DAY

Defendant present in custody

Defense Counsel J. David Nick appearing

Deputy District Attorney Greg Jacobs also present

At 10:27 a.m. Court convenes

Court addresses Counsel

Counsel Jacobs responds re: paint on knife and Mr. Potts reports
Unreported in chambers conference held

Defense calls Mr. Michael Potts, sworn and testified

Court's exhibit #56, marked for identification: 1 page letter
written by Mr. Potts

Court's exhibit #57, marked for identification: copy of 1 page
document page 4 of Mr. Potts report

Court's exhibit #58, marked for identification: copy of 1 page
document page 5 of Mr. Potts report

Court's exhibit #59, marked for identification: copy of 1 page
document page 6 of Mr. Potts report

Court's exhibit #60, marked for identification: copy of 1 page
document page 7 of Mr. Potts report

Court's exhibit #61, marked for identification: copy of 1 page
document page 8 of Mr. Potts report

Court's exhibit #62, marked for identification: 1 page document
"verbal communication" for Dept. Of Justice

Mr. Potts steps down.

At 12:01 p.m. Court declares regularly scheduled noon break

Reconvene: 1:43; All Parties present

Mr. Potts heretofore sworn, retakes the stand and further testifies

Cross examination conducted by Counsel Jacobs

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 30

05/19/2004 DE 1 Courtroom Minutes of Department 2 (continued)

Redirect

Court questions witness

At 2:26 p.m. Court declares a brief recess

Reconvene: 2:54 p.m.; All Parties present

People call Deputy District Attorney James Casey, sworn and testified.

People's exhibit 363, marked for identification: copy of 2 page letter from Deputy Public Defender Ande Thomas

Cross examination conducted by Counsel Jacobs

Redirect

Witness excused

People call Sgt. Russell Davidson, sworn and testified.

Cross examination

Witness excused.

Counsel Nick argues Common Law Motion To Dismiss

At 4:36 p.m. Court is adjourned to reconvene on May 21, 2004 at 10am

CONTINUED TO - 05/20/2004 at 10:00am 2, JURY TRIAL

DROPPED FROM CALENDAR - 05/20/2004 at 10:00am 2

CONTINUED TO - 05/21/2004 at 10:00am 2, JURY TRIAL

05/21/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 22nd DAY - MOTIONS

Defendant present in custody

Defense Counsel J. David Nick appearing

Deputy District Attorney Greg Jacobs also present

At 10:36 a.m. Court convenes

Counsel J. D. Nick addresses the Court re: Sanctions re: Discovery

CONTINUED TO - 05/25/2004 at 1:30pm 2, JURY TRIAL

At 11:01 a.m Court is adjourned

05/25/2004 DE 1

CONTINUED TO - 05/25/2004 at 1:30pm 2, JURY TRIAL

05/25/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
JURY TRIAL 23rd DAY MOTIONS

Defendant present in custody

Defense Counsel J. David Nick appearing

At 1:28 p.m. Court convenes

Deputy District Attorney Greg Jacobs also present

Counsel Jacobs responds to Defense Motion Re: Sanctions re: Disc

People call Deputy Public Defender Ande Thomas, sworn and testified.

Cross examination

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 31

05/25/2004 DE 1 Courtroom Minutes of Department 2 (continued)

Court's exhibit #64, marked for identification: copy of article
re: paint samples

Witness excused

Defense renews 995 Motion

Court's exhibit #65, marked for identification: copy of
transcript pages 169 through 175

Court's exhibit #66, marked for identification: copy of forensic
analysis

At 2:47 p.m. Court declares a brief recess

At 3:17 p.m. Court reconvenes - All parties are present

Counsel Jacobs argues Discovery issue

CONTINUED TO - 05/26/2004 at 1:30pm 2, JURY TRIAL

At 4:09 p.m. Court is adjourned to reconvene May 26, 2004 at 1:30 pm
Courtroom 2

05/26/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
24th DAY JURY TRIAL MOTIONS CONTINUES

At 1:40 P.M. Court convenes

Defendant present in custody

Defense Counsel J David Nick appearing

Deputy District Attorney Greg Jacobs also present

Counsel Nick addresses the Court

Rebuttal

Counsel Jacobs responds

Submitted

Counsel Jacobs addresses the Court re: 3rd Party culpability

Counsel Cook addresses the Court re; prior conviction

Recess: 3:00 p.m.

Reconvene: 3:28 p.m. All parties are present

Court grants People's Motion to re-open re: shotgun

Counsel Nick responds

Counsel Cook responds

Counsel Nick responds

Submitted

Court's exhibit #67, marked for identification: redacted copy of
interview with defendant Rutledge

Court's exhibit(s) #67 received into evidence.

At 4:25 p.m. Court is adjourned

Matter CONTINUED to 6/7/04 at 10:00 a.m. Courtroom 2

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 32

06/04/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook CLK: LA
IN CHAMBERS
Defendant not present in custody
CONTINUED TO - 06/09/2004 at 10:00am 2, JURY TRIAL

06/04/2004 DE 1
REPORTER'S TRANSCRIPT FILED PROCEEDINGS OF 10/30/02

06/08/2004 DE 1
Def's Obj. to Intro of Portions of the Statements Made by
Def and Law Enf. Officers in 9/17/99 Inter. with Def FILED

06/08/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook CLK: LA
IN CHAMBERS MINUTES
Defendant not present in custody
Defense Counsel J David Nick not present
DROPPED FROM CALENDAR - 06/09/2004 at 10:00am 2
CONTINUED TO - 06/14/2004 at 10:00am 2, JURY TRIAL

06/10/2004 DE 1
FILE IN JUDGE BALLINGER'S CHAMBERS

06/11/2004 DE 1
PEO'S SUPPLEMENTAL OFFER OF PROOF RE: ADMISSIBILITY OF DEFT
'S WRITINGS FILED

06/14/2004 DE 1 Courtroom Minutes of Department 2

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
25th DAY JURY TRIAL
Defendant present in custody
Defense Counsel J David Nick appearing
At 1:37 p.m. Court convenes
Deputy District Attorney Greg Jacobs is also present
Regarding Defense Non-statutory 995 Motion was properly filed
Court states on the record reasons for this Court's decision
Court finds there is a reasonable expectation that the prior Magis-
trate would not have found a holding order
Court GRANTS Defense Motion to DISMISS
Court orders that Defendant be released FORTHWITH
995 PC Motion Granted
Case Dismissed

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 33

06/21/2004 DE 1

AUTOMATED 8715 REPORT ISSUED

08/17/2004 DE 1

REPORTER'S TRANSCRIPT FILED PRETRIAL MOTION

08/26/2004 DE 1

FILES TO SUSAN STANDISH-COURT ANEX #19

08/30/2004 DE 1

REPORTER'S TRANSCRIPT FILED PRETRIAL MOTIONS

10/20/2004 DE 1

REPORTER'S TRANSCRIPT FILED PROCEEDINGS 3/8/04

REPORTER'S TRANSCRIPT FILED MOTIONS 3/12/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/2/04

REPORTER'S TRANSCRIPT FILED PROCEEDINGS 4/5/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/12/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/13/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/14/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/16/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/19/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/20/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/21/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/28/04

REPORTER'S TRANSCRIPT FILED MOTIONS 4/30/04

REPORTER'S TRANSCRIPT FILED MOTIONS 5/3/04

REPORTER'S TRANSCRIPT FILED MOTIONS 5/17/04

REPORTER'S TRANSCRIPT FILED MOTIONS 5/21/04

REPORTER'S TRANSCRIPT FILED MOTIONS 5/25/04

REPORTER'S TRANSCRIPT FILED MOTIONS 5/26/04

02/28/2005 DE 1

REPORTER'S TRANSCRIPT FILED PRETRIAL MOTION

09/01/2005 DE 1

SUBPOENED RECORDS DESTROYED

01/17/2006 DE 1

CONTINUED TO - 01/20/2006 at 8:30am 14, RECONSIDERATION

01/19/2006 DE 1

ORDER SHRTNG TIME FOR FILING OF PEOPLE'S OPPO TO DEF'S MOTION TO
RE-CONSIDER DEF'S NONSTATUTORY MTN TO DISMISS BASED UPON PREVIOUSLY
UN-

PEOPLE'S OPPOSITION TO DEF'S MOTION TO RECONSIDER DEF'S
NONSTATUTORYMOTION TO DISMISS BASED UPON UNDISCLOSED EVIDENCE FILED

SCR-32528 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Page 34

01/20/2006 DE 1 Courtroom Minutes of Department 14

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
Defendant present in custody
Defense Counsel J David Nick appearing
CONTINUED TO - 01/24/2006 at 8:30am 14, RECONSIDERATION

01/23/2006 DE 1

Defendant's Supplem. Reply to People's Opp. to Motion to
Reconsider Def's Nonstatutory Mot to Dismiss RECEIVED

01/24/2006 DE 1 Courtroom Minutes of Department 14

HON: R.BALLINGER DDA: Christine M Cook REP: C A Martinez CLK: LA
Defendant present in custody
Defense Counsel J David Nick appearing
Defense argues
People respond
Submitted
This Court rules that it does not have authority to do anything
further in this case

02/24/2006 DE 1

REC'D COPY OF: PETITION FOR WRIT OF PROHIBITION/MANDATE W/ EXHIBITS
AND MEMO OF POINTS & AUTHORITIES FROM D.C.A.
SENT JUDGE BALLINGER-#14 DCA COPIES OF PETITION FOR WRIT OF PROHIB.
MANDATE..., AND EXHIBITS IN SUPPORT OF..
PETITION FOR WRIT OF PROHIBITION/MANDATE IS DENIED.

03/12/2007 DE 1

NTC RE: DISPOSITION OF EXHIBITS FILED

***** End of Docket *****

EXHIBIT B



C A L I F O R N I A

V C G C B

Victim Compensation & Government Claims Board

STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

ROSARIO MARIN

Secretary

State and Consumer Services Agency
Chairperson

JOHN CHIANG

State Controller

Board Member

MICHAEL A. RAMOS

San Bernardino County District Attorney
Board Member

KAREN McGAGIN

Executive Officer

CERTIFICATION

I hereby certify that the attached documents are true and correct copies of the documents constituting the record of the claim of:

ZACHARIAH J. RUTLEDGE

Claim Number G 566507

Date of Incident:

August 2, 2000

The record includes the claim, any amendments to the claim, all notices or correspondences to and from claimant.

Attest my hand and seal of the Victim Compensation and Government Claims Board of the State of California this day.

Executed at Sacramento, California, February 6, 2008

Gail Cogburn

Custodian of Records

Government Claims Program

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5398
Facsimile: (916) 322-8288
E-Mail: Supattra.Straw@doj.ca.gov

January 18, 2008

Victim Compensation and Government Claims Board
Government Claims Branch
400 R Street
Sacramento, CA 95814-6213

Government Claims Program

JAN 23 2008

RECEIVED

RE: REQUEST FOR CLAIM SEARCH

1. Search for a claim and or late claim application filed by:

CLAIMANT: RUTLEDGE, Zachariah Judson

CLAIM NUMBER: G566507

DATE OF INCIDENT:

2. After search is complete, please:

*Provide either (1) declaration that a claim is not on file **OR** (2) a certified copy of the claim.*

3. Please place the documents in the A.G. mail basket located at the Board (AG courier will pick up)

4. Requested by: John Devine, DAG, Tort-SF

Sincerely,

SUPATTRA STRAW
Office Technician

For EDMUND G. BROWN JR.
Attorney General



STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

GOVERNMENT CLAIMS PROGRAM
400 R Street, 5th Floor ♦ Sacramento, California 95814
Mailing Address: P.O. Box 3035 ♦ Sacramento, California 95814
Toll Free Telephone Number 1-800-955-0045 ♦ Fax Number: (916) 491-6443
Internet: www.vcgcb.ca.gov

ROSARIO MARIN
Secretary
State and Consumer Services Agency
Chairperson
JOHN CHIANG
State Controller
Board Member
MICHAEL A. RAMOS
San Bernardino County District Attorney
Board Member
KAREN McGAGIN
Executive Officer

Editte D Lerman
Attorney at Law
PO Box 802 45060 Ukiah St
Mendocino, CA 95460

March 27, 2007

RE: Claim G566507 for Zachariah J Rutledge

Dear Editte Lerman,

The Victim Compensation and Government Claims Board (VCGCB) received your claim on March 06, 2007.

We have reviewed your claim and determined that the VCGCB has no jurisdiction to consider the claim for the following reason(s):

Your claim was filed more than one year from the date of the incident that is the basis of the claim, and it is too late for the Board to consider an application to present a late claim.

The VCGCB will take no further action on your claim. If you have questions about this matter, please mention letter reference 47 and claim number G566507 when you call or write your claim technician or analyst at (800) 955-0045.

Sincerely,

Government Claims Division
Victim Compensation and Government Claims Board

Ltr 47 No Jurisdiction

Government Claims Form California Victim Compensation and Government Claims Board P.O. Box 3035 Sacramento, CA 95812-3035 1-800-955-0045 • www.governmentclaims.ca.gov	State of California MAR 08 2007 For Office Use Only Claim No.:
---	---

Is your claim complete?

<input checked="" type="checkbox"/>	New! Include a check or money order for \$25 payable to the State of California.
<input type="checkbox"/>	Complete all sections relating to this claim and sign the form. Please print or type all information.
<input type="checkbox"/>	Attach receipts, bills, estimates or other documents that back up your claim.
<input type="checkbox"/>	Include two copies of this form and all the attached documents with the original.

Claimant Information

1	Rutledge, Zachariah J.	2	Tel: 707 937 1711
	Last name First Name MI	3	Email: edie@lawyer.com
4	P.O. Box 802, 45060 Ukiah Street	Mendocino	CA 95460
	Mailing Address City State Zip		
5	Best time and way to reach you: business hours		
6	Is the claimant under 18? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, give date of birth:	<input type="text"/> <input type="text"/> <input type="text"/>
			MM DD YYYY

Attorney or Representative Information

7	Lerman, Editte D.	8	Tel: 707 937 1711
	Last name First Name MI	9	Email: edie@lawyer.com
10	P.O. Box 802, 45060 Ukiah Street	Mendocino	CA 95460
	Mailing Address City State Zip		
11	Relationship to claimant: Attorney for Claimant		

Claim Information

12	Is your claim for a stale-dated warrant (uncashed check) or unredeemed bond? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	State agency that issued the warrant: _____ If NO, continue to Step 13.
	Dollar amount of warrant: _____ Date of issue: <input type="text"/> <input type="text"/> <input type="text"/>
	Proceed to Step 22. MM DD YYYY
13	Date of Incident: August 2, 2000
	Was the incident more than six months ago? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If YES, did you attach a separate sheet with an explanation for the late filing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
14	State agencies or employees against whom this claim is filed:
	California Department of Justice, Bureau of Forensic Services, Santa Rosa Regional Criminalistics Laboratory, 7505 Sonoma Hwy, Santa Rosa, CA 95409 - Michael Potts, Senior Criminalist, and Does 1-100
15	Dollar amount of claim:
	If the amount is more than \$10,000, indicate the type of civil case: Tort Claim <input type="checkbox"/> Limited civil case (\$25,000 or less) <input checked="" type="checkbox"/> Non-limited civil case (over \$25,000)
	Explain how you calculated the amount:
	1,000,000 for each year of incarceration, and accompanying torts.

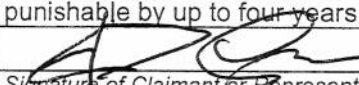
check # 1159 Attached to original sent via certified mail
 Article # 7000 1530 0004 8544 3707

16	Location of the incident: Sonoma County
17	Describe the specific damage or injury: The incarceration of Claimant from May 8, 2002 to September 29, 2006, and the accompanying torts resulting from and conjunction with the incarceration.
18	Explain the circumstances that led to the damage or injury: Michael Potts presented false testimony, false forensic reports, and fabricated the key evidence which allegedly linked Claimant to a double murder.
19	Explain why you believe the state is responsible for the damage or injury: Claimant would not have been incarcerated, but for the forensic misrepresentations provided by the California Department of Justice, Bureau of Forensic Services, Santa Roas Regional Criminalistics Laboratory, Michael Potts, and Does 1-100.
20	Does the claim involve a state vehicle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, provide the vehicle license number, if known:

Auto Insurance Information

21	Name of Insurance Carrier			
	Mailing Address	City	State	Zip
	Policy Number:	Tel: <input type="text"/>		
	Are you the registered owner of the vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	If NO, state name of owner:			
	Has a claim been filed with your insurance carrier, or will it be filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Have you received any payment for this damage or injury?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, what amount did you receive?			
	Amount of deductible, if any:			
	Claimant's Drivers License Number:	Vehicle License Number:		
	Make of Vehicle:	Model:	Year:	
	Vehicle ID Number:			

Notice and Signature

22	I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).	
	Signature of Claimant or Representative 	Date March 6, 2007

23	Mail the original and two copies of this form and all attachments with the \$25 filing fee or the "Filing Fee Waiver Request" to: Government Claims Program, P.O. Box 3035, Sacramento, CA, 95812-3035. Forms can also be delivered to the Victim Compensation and Government Claims Board, 630 K Street, Sacramento.
-----------	---

For State Agency Use Only

24	Name of State Agency	Fund or Budget Act Appropriation No.
	Name of Agency Budget Officer or Representative	Title
	Signature	Date

Government Claims Form

California Victim Compensation and Government Claims Board
P.O. Box 3035
Sacramento, CA 95812-3035

1-800-955-0045 • www.governmentclaims.ca.gov

State of California

MAR 09 2007

For Office Use Only
Claim No.:

Is your claim complete?

<input checked="" type="checkbox"/>	New! Include a check or money order for \$25 payable to the State of California.
<input type="checkbox"/>	Complete all sections relating to this claim and sign the form. Please print or type all information.
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	Last name First Name MI	3	Email: edie@lawyer.com
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	Mailing Address	City	State Zip
5	Best time and way to reach you: business hours		
6	Is the claimant under 18? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, give date of birth: <input type="text"/> <input type="text"/> <input type="text"/>	
		MM	DD YYYY

Attorney or Representative Information

7	Lerman, Editte D.	8	Tel: 707 937 1711
	Last name First Name MI	9	Email: edie@lawyer.com
10	P.O. Box 802, 45060 Ukiah Street	Mendocino	CA 95460
	Mailing Address	City	State Zip
11	Relationship to claimant: Attorney for Claimant		

Claim Information

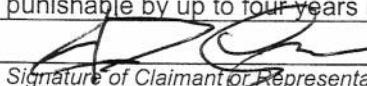
12	Is your claim for a stale-dated warrant (uncashed check) or unredeemed bond? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	State agency that issued the warrant: <input type="text"/> If NO, continue to Step 13
	Dollar amount of warrant: <input type="text"/> Date of issue: <input type="text"/> <input type="text"/> <input type="text"/>
	Proceed to Step 22 MM DD YYYY
13	Date of Incident: August 2, 2000
	Was the incident more than six months ago? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If YES, did you attach a separate sheet with an explanation for the late filing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
14	State agencies or employees against whom this claim is filed:
	California Department of Justice, Bureau of Forensic Services, Santa Roas Regional Criminalistics Laboratory, 7505 Sonoma Hwy, Santa Rosa, CA 95409 - Michael Potts, Senior Criminalsist, and Does 1-100
15	Dollar amount of claim:
	If the amount is more than \$10,000, indicate the type of civil case: Tort Claim <input type="checkbox"/> Limited civil case (\$25,000 or less) <input checked="" type="checkbox"/> Non-limited civil case (over \$25,000)
	Explain how you calculated the amount:
	1,000,000 for each year of incarceration, and accompanying torts.

16	Location of the incident: Sonoma County
17	Describe the specific damage or injury: The incarceration of Claimant from May 8, 2002 to September 29, 2006, and the accompanying torts resulting from and conjunction with the incarceration.
18	Explain the circumstances that led to the damage or injury: Michael Potts presented false testimony, false forensic reports, and fabricated the key evidence which allegedly linked Claimant to a double murder.
19	Explain why you believe the state is responsible for the damage or injury: Claimant would not have been incarcerated, but for the forensic misrepresentations provided by the California Department of Justice, Bureau of Forensic Services, Santa Roas Regional Criminalistics Laboratory, Michael Potts, and Does 1-100.
20	Does the claim involve a state vehicle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, provide the vehicle license number, if known:

Auto Insurance Information

21	Name of Insurance Carrier			
	Mailing Address	City	State	Zip
	Policy Number:	Tel: <input type="text"/>		
	Are you the registered owner of the vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	If NO, state name of owner:			
	Has a claim been filed with your insurance carrier, or will it be filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Have you received any payment for this damage or injury?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, what amount did you receive?			
	Amount of deductible, if any:			
	Claimant's Drivers License Number:	Vehicle License Number:		
	Make of Vehicle:	Model:	Year:	
	Vehicle ID Number:			

Notice and Signature

22	I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).	
	Signature of Claimant or Representative 	Date March 6, 2007
23	Mail the original and two copies of this form and all attachments with the \$25 filing fee or the "Filing Fee Waiver Request" to: Government Claims Program, P.O. Box 3035, Sacramento, CA, 95812-3035. Forms can also be delivered to the Victim Compensation and Government Claims Board, 630 K Street, Sacramento.	

For State Agency Use Only

24	Name of State Agency	Fund or Budget Act Appropriation No.
	Name of Agency Budget Officer or Representative	Title
	Signature	Date

Law Office of
E.D. Lerman, Esq.

45060 Ukiah St.
PO Box 802
Mendocino, CA 95460
(707) 937-1711

March 6, 2007

California Government Claims Board
P.O. Box 3035
Sacramento, CA 95812-3035

Attachment to Government Claims Program Information and Claim Form submitted by Zachariah Rutledge

Re: Tort claims in connection to People v. Rutledge

The following is a continuation and attachment to Government Claims Program Information and Claim Form, submitted by Zachariah Rutledge, dated March 6, 2007.

STATEMENT OF LATE FILING

Sec. 13 of Claim Form

The Claim form was not filed within six months of the initial injury because claimant Zachariah J. Rutledge was incarcerated and did not have access to the resources necessary to make the claim, and he feared retaliation. The injury connected to the DOJ Forensic Laboratory concluded at the time of the acquittal on September 29, 2006. See attached Verdict, Sonoma County Superior Court, Case No SCR 443363.

Sincerely,



E. D. Lerman Esq.

FILED

SEP 29 2006

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMASUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
By W. J. Chambers DEPUTY CLERK

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

ZACHARIAH JUDSON RUTLEDGE,

Defendant.

COURT NO. SCR443363

D.A. NO. 443724

VERDICTCOUNT I

Page One

We, the Jury, find the defendant, ZACHARIAH JUDSON RUTLEDGE, Not Guilty of violation of Section 187(a) of the Penal Code, a felony, to wit, MURDER IN THE FIRST DEGREE, in that he did unlawfully, and with malice aforethought murder HORST HANS GRAHLMANN, a human being, as alleged in Count I of the Information.

DATED: 9-29-06FOREPERSON # 10 PK

I hereby certify that this is a true and correct
Copy of the original
filed in the Clerk's Office of the Municipal Court
for the County of Sonoma.

ATTEST: My Hand and the Seal of the said Court
this 2 day of October, 2006

CLERK
OF THE MUNICIPAL COURT
COUNTY OF SONOMA
STATE OF CALIFORNIA

By W. J. Chambers
Deputy Clerk